

FORM PTO-3390
(REV 10-94)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

600.347USWO

09/308829

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

INTERNATIONAL APPLICATION NO.

PCT/US97/22125

INTERNATIONAL FILING DATE

05 December 1997 (05.12.97)

PRIORITY DATE CLAIMED

06 December 1996 (06.12.96)

TITLE OF INVENTION

MUTANTS OF STREPTOCOCCAL TOXIN C AND METHODS OF USE

APPLICANT(S) FOR DO/EO/US

SCHLIEVERT, Patrick M.; OHLENDORF, Douglas; MITCHELL, David T.; and GAHR, Pamela J.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(l).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:
Response to Invitation to Furnish Nucleotide and/or Amino Acid Sequence Listing

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)X		INTERNATIONAL APPLICATION NO. PCT/US97/22125		APPlicant's DOCKET NUMBER 600.347USWO	
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17. x The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(a) (1)-(5)): Search Report has been prepared by the EPO or JPO.....\$840.00 International preliminary examination fee paid to USPTO (37 CFR 1.492)\$670.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2))\$790.00 Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO\$970.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4)\$96.00 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>				CALCULATIONS PTO USE ONLY	
				\$970.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than [] 20 [] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	16 -20 =	0	X \$18.00	\$	
Independent claims	1 -3 =	3	X \$78.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$260.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$970.00	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).				\$	
SUBTOTAL =				\$970.00	
Processing fee of \$130.00 for furnishing the English translation later than [] 20 [] 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+ \$	
TOTAL NATIONAL FEE =				\$970.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+ \$ 40.00	
TOTAL FEES ENCLOSED =				\$1010.00	
				Amount to be: refunded	\$
				charged	\$

a. ☒ A checks in the amount of \$970.00 and \$40.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
 A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any
 overpayment to Deposit Account No. 13-2725. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:
 Mark T. Skoog
 MERCHANT & GOULD P.C.
 3100 Norwest Center
 90 South Seventh Street
 3100 Norwest Center
 Minneapolis, Minnesota 55402

SIGNATURE:

 Ronald A. Daignault
 NAME

 25,968
 REGISTRATION NUMBER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

09/308829

In re Application of: Schlievert et al.
Serial No.: PCT/US97/22125 Filed: 5 December 1997
Docket: 600.347USWO Due Date: June 6, 1999
Title: MUTANTS OF STREPTOCOCCAL TOXIN C AND METHODS OF USE

CERTIFICATE UNDER 37 CFR 1.10

'Express Mail' mailing label number: EL353245493US

Date of Deposit: May 25, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231.

By: 

Name: Darrell Robinson

Assistant Commissioner for Patents
Attn: BOX PCT
Washington, D.C. 20231

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ A check in the amount of \$970.00 and 40 to cover filing fee.
- ☒ Return postcard
- ☒ Other: Transmittal Letter of the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371 (2 pages); Preliminary Amendment (2 pages); Replacement Sheets 36-40 and 44, and a copy of Response to Invitation to Furnish Nucleotide and/or Amino Acid Sequence Listing (4 pages); Recordation Form (1 page), and Assignment (4 pages)

Please charge any additional required fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.
3100 Norwest Center, Minneapolis, MN 55402
(612) 332-5300

By: 

Name: Ronald A. Daignault

Reg. No.: 25,968

Initials: RAD/IPD/KMC/mls